



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE, ROOM 1007
BOSTON, MASSACHUSETTS 02108
(617) 727-8352
(800) 462-OCPPF

MARY F. MCTIGUE
DIRECTOR

April 26, 1989
AO-89-11

James F. Mannering
181 Stratford Street
West Roxbury, Massachusetts 02132

Dear Mr. Mannering:

This letter is in response to your request for an advisory opinion concerning the application of certain provisions of M.G.L. c.55 to public employees who wish to participate in a candidate's campaign for elected public office.

You have stated that you are an employee of the Commonwealth, employed for compensation as an Assistant Clerk/Magistrate in the West Roxbury District Court. You have stated that your brother, Vincent G. Mannering, will be seeking the office of Boston City Councillor for the West Roxbury-Jamaica Plain District in November, 1989. You wish to be involved with your brother's campaign and have posed several questions regarding the application of M.G.L. c.55 to your activities.

Section 13 of M.G.L. c.55 states, in part:

No person employed for compensation, other than an elected officer, by the commonwealth or any county, city, or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever, but this section shall not prevent such persons from being members of political organizations or committees. The soliciting or receiving of any gift, payment, contribution, assessment, subscription or promise of money or other thing of value by a non-elected political committee

organized to promote the candidacy for public office of a person so employed for compensation by the commonwealth or any county, city or town, shall not be deemed to be a direct or indirect solicitation or receipt of such contribution by such person; provided, however, that no such gift, payment, contribution, assessment, subscription or promise of money or other thing of value may be solicited or received on behalf of such a person from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has any interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility.

You have inquired whether a person employed for compensation by the Commonwealth may act as a campaign manager for a candidate seeking public elected office.

Section 13 prohibits any person employed for compensation by the Commonwealth from directly or indirectly soliciting or receiving contributions for any political purpose. It is therefore the opinion of this office that you, as a compensated employee of the Commonwealth, would be prohibited from undertaking fundraising activities on behalf of your brother's candidacy. This would include, but not be limited to, serving as treasurer of his committee, planning, directing or organizing fundraising activities, soliciting money from potential contributors and accepting contributions on behalf of your brother.

However, section 13 permits any person employed for compensation by the Commonwealth to be a member of a political committee. If, therefore, as campaign manager for your brother's campaign, you do not undertake fundraising activities, but limit your actions solely to non-fundraising matters, there would be no prohibition on your acting as campaign manager. We would warn you, however, that the use of your name on any campaign literature soliciting contributions (including letterhead of your brother's political committee or advertisements placed by the committee) would constitute indirect solicitation on your part, and therefore prohibited by section 13.

You should also be aware of the following provisions of the campaign finance law:

Section 14 of M.G.L. c.55 states: "No person shall in any building or part thereof occupied for state, county or municipal purposes demand, solicit or receive any payment or gift of money or other thing of value for purposes set forth

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in section thirteen."

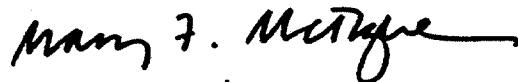
Section 16 of M.G.L. c.55 states: "No person in the public service shall, for that reason, be under obligation to contribute to any political fund, or to render any political service, and shall not be removed or otherwise prejudiced for refusing to do so."

Section 17 of M.G.L. c.55 states: "No officer or employee of the commonwealth or of any county, city or town shall discharge, promote, or degrade an officer or employee, or change his official rank or compensation, or promise or threaten so to do, for giving, withholding or neglecting to make a contribution of money or other valuable thing for a political purpose."

This opinion has been rendered solely on the basis of representations made in your letter and solely in the context of M.G.L. c.55. You may also wish to refer to personnel policies, if any, promulgated by the District Court which relate to political activity undertaken by court personnel.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,



Mary F. McTigue
Director

MFM-PLH/bah